



**U. S. Department of Housing and Urban Development**  
Washington, D.C. 20410

OFFICE OF LEAD HAZARD CONTROL

POLICY GUIDANCE NUMBER: 94-09		DATE: December 08, 1994	
SUBJECT:		Use of Non-Certified Contractors for Certain Activities	
STATUS:		Current	
APPLICABILITY:		All grant rounds.	
RELATED GUIDANCE:			
COMMENTS:		This letter now serves as policy guidance (note strikeout below).	

Dear Lead-Based Paint Hazard Control Grantee:

I am writing this letter to provide ~~interim~~ policy guidance in an area of the Lead-Based Paint (LBP) Hazard Control Grant Program regarding the use of non-certified contractors for certain activities.

The Lead-Based Paint Hazard Reduction Act of 1992 ( P.L. 102-550) requires that grants awarded under the Lead-Based Paint Hazard Reduction program ensure that risk assessments, inspections, and abatements are carried out by contractors certified in accordance with Section 402 of the Toxic Substances Control Act (Section 1011, (e)).

In interpreting this statutory requirement, an important policy issue arises: Must all work funded under this grant program be carried out by certified contractors? This question is especially relevant in those situations where abatement/hazard control activities are taking place in conjunction with work which is essentially rehabilitation rather than abatement in nature.

HUD wants to assure effective abatement, quality workmanship, and the maintenance of the health and safety of residents and workers. However, HUD is also aware that certain work can be carried out less expensively by firms or individuals who are not necessarily certified as lead-based paint abatement contractors. Examples might include the application of exterior siding, the

replacement of windows, and work carried out by other non-abatement subcontractors such as electricians and plumbers.

To ensure the integrity of the abatement process, it is HUD policy that when non-certified contractors are working on a project supported by the LBP grant (HUD LBP funds or local grant match), they must be supervised by a certified contractor or supervisor who shall be responsible for the satisfactory and safe completion of all work by non-certified as well as certified contractors. Under selected circumstances, the grantee should also consider an additional final clearance of the unit, especially when extensive work by non-certified contractors has taken place after the unit has already been cleared.

In the case of work being carried out concurrently or sequentially in LBP grant-assisted structures by non-certified contractors who are not being assisted with LBP grant funds (i.e. neither HUD LBP funds or local grant match), it is strongly recommended that this work also be overseen by a certified party.

While this is not required, we believe that it is in the grantee's interest in order to ensure that the units re-occupied by families do not have excessive levels of lead in dust or soil resulting from the activities of non-certified contractors. If the work being performed by contractors being paid with other funds is carried out after the abatement work is completed and after clearance testing, a second clearance test would be appropriate if this subsequent work involves any material disturbance of a surface covered with lead-based paint.

I hope that this letter provides the necessary ~~interim~~ guidance on this issue. If specific issues arise in the course of your project, you are encouraged to consult with me at 202-755-1785, extension 112.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellis Goldman", with a long horizontal flourish extending to the left.

Ellis G. Goldman  
Director, Program Management Division